

an instrument that contains information to facilitate access to said verified/validated funds.

## **Response—General**

### **The Objection to the Specification and the Claims Rejection Under 112**

The O.A. had the following objection to the specification: “The abstract of the specification is objected to because of the following informalities. Applicant is advised to provide a new abstract. Appropriate correction is required.”

### **Cancel “Abstract of Disclosure” and substitute:**

“A method and system that utilizes personnel to verify that funds were obtained and/or used within a geographical area. It allows for age and identity verification”

### **Claim Rejections—35 USC 112**

The Office Action, (O.A.) rejected Claim 1 under 35 U.S.C. 112 second paragraph which states:

“The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention”

The O.A. 5. states: Claim 1 rejected under 35 U.S.C. 112 second paragraph because claim recites a “means of storing funds”. A method claim is not required to have a “means plus function.”

Applicant Response: Claim 1 has been rewritten

### **The Rejection Of Claim 1 on Nel in view of Mellen is overcome**

The O.A. rejected claim 1 on Nel reference. Claim 1 has been rewritten to define patentably over these references

Nel solves different problem. O.A. 8. States that Nel substantially discloses a method/system of conducting a financial transaction between a purchaser and a vendor or product. The method/system preferably includes any one or more of steps of verifying the availability of funds in the account.”

Nel is providing a method/system to use electronic funds through an ATM to purchase products at the ATM.

**The rejection of Claim 1 on Nel is overcome**

- 1) Reference: 6,507,823, Nel does not provide a method to verify the required attributes for the funds to be used in a needed and novel way. For example Nel does not anticipate and does not provide the ability to use items of value other than an ATM card. It does not anticipate checks, coupons, currency and other items of value. Nel requires an ATM card and a PIN to function. See Nel (abstract, col. 2, lines 12-14), "obtains an access code from the purchaser to verify authorization of the transaction".

From Nel reference:

"It is also envisaged that the "SELECTION VALID?" procedure may include other check procedures, which, for example, may prohibit a purchaser from performing a certain transaction if he or she is below a certain age, or is disqualified on some other ground from performing the transaction. A purchaser under the age of 21 can in this way be prohibited by a check procedure from purchasing shares from a vendor database 24 linked to a Stock Exchange. This check procedure can also be used to prevent the sale of motion picture tickets for an age-restricted motion picture to an under-aged purchaser."

Nel does not anticipate or provide method or system to prevent the use of stolen or loaned ATM cards and PIN numbers. The "SELECTION VALID?" only compares information supplied electronically from the consumer's financial institution based on the ATM card and PIN the consumer provided to the ATM. If the ATM/credit card and/or PIN number is stolen or borrowed then Nel will approve based on the assumed identity of the consumer not the actual true identity. This is a common problem with underage consumers and underage gamblers using their parents ATM/credit cards. This is also a problem with stolen ATM cards and PIN. Many governments and other agencies need to track the actual identity to prevent unauthorized and untrackable transactions (money laundering, terrorist funding, illegal gambling, underage gambling etc)

Nel does not anticipate or provide a method of locking out problem consumers such as problem gamblers.

An analogy it is possible using prior art to sell or vend beer in a prior art soft drink machine but it does not solve the legal problem or requirement in many geographical locations that require that age be verified by personnel.

- 2) The novel features of claim 1 provides new and unexpected results and hence are unobvious and patentable over the references cited in the Office Action.
- 3) Nel (see, abstract, col. 2, lines 12-14), "obtains an access code from the purchaser to verify authorization of the transaction", lines 39-43, col 6, lines 9-20, col 7, lines 52-64); does not provide the required novel feature of claim 1 of the applicant's

invention. Claim 1 provides the ability to verify required attributes such as the age and geographic location where the true identity and "actual supplier, (consumer), of funds provided the funds. Neither Nel or the reference patent 6,173,269, Soloki, provides or anticipates a method of ensuring that the actual person presenting the funds is a certain age and neither references anticipates verifying the geological location where the funds were obtained. Furthermore, the applicant's method does not require an access code to authorize the transaction. The personnel can accept any item of value including currency, checks, coupons etc.

- 4) Nel's claim 17 states: "A system according to claim 16 wherein the data exchange terminal is a bank service terminal" and Nel's specification also uses the prior art ATM. A bank terminal or ATM is not required in applicant's invention as the invention is novel in acquiring funds and combining age, identification, geographical location and other verified attributes with the funds
- 5) Nel's invention and other prior art does not provide or anticipate a method to ensure that the actual supplier of fund's attributes such as age, geographical location, identity are verified before funds are accepted. The applicant's invention also has the novel feature over the prior art reference's limitation of accepting only electronic funds. The applicant's method has the novel and useful ability and feature of accepting physical items of value in addition to electronic only funds. The applicant's method has the novel and useful ability and feature of accepting items of value and providing funds that have verified attributes.

  
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